IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

WEDNESDAY, THE 14TH NOVEMBER 2007 / 23RD KARTHIKA 1929

Crl.Rev.Pet.No. 504 of 2002

CRA.94/1997 OF ADDL. SESSIONS COURT , (FAST TRACK NO.I), PALAKKAD,
CC.33/1994 OF CHIEF JUDICIAL MAGISTRATE COURT, PALAKKAD

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REVN. PETITIONER/ APPELLANT/ACCUSED:

KRISHNAN, S/O.KUTTAPPA,KUNNATHUKADU,
KALLADIKODE,PALAKKAD.

BY ADV. SRI.P.VIJAYA BHANU,
ADV. SRI.P.M.RAFIQ.

RESPONDENT/RESPONDENT/COMPLAINANT:

STATE OF KERALA,REPRESENTED BY THE
PUBLIC PROSECUTOR,HIGH COURT OF KERALA,ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. AMJAD ALI.

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 14/11/2007,THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER ON CRL.M.P. NO. 3333/2002 IN CRL.R.P. NO. 504/2002

DISMISSED

14/11/2007. **SD/- K.R.UDAYABHANU, JUDGE.**

//TRUE COPY//

prv.

K.R.UDAYABHANU, J

Crl.R.P.No.504 of 2002

Dated this the 14th day of November, 2007

O R D E R

The revision petitioner stands convicted for the offences under Sections 279, 337, 338 and 304(A) IPC and sentenced to pay a fine of Rs.1,000/- and in default, to undergo simple imprisonment for one month for the offence under Section 279 IPC and to pay a fine of Rs.500/- and in default, to undergo simple imprisonment for two weeks for the offence under Section 337 IPC and to pay a fine of Rs.1,000/- and in default, to undergo simple imprisonment for one month for the offence under Section 338 IPC and to undergo simple imprisonment for three months for the offence under Section 304(A) IPC.

2. The prosecution case is that on 9.7.1993 at about 12 noon the accused drove the stage carriage bus bearing registration No.KLH5468 through Palakkad-Pirayiri public road in a rash and negligent manner so as to endanger human life and hit on a tamarind tree and one of the passengers died and some sustained simple and grievous injuries.

3. The counsel for the revision petitioner has only sought

for modification of the sentence. It is submitted that more than 14 years have elapsed since the commencement of the proceedings and that so far the accused was facing the criminal proceedings and the earnings of the revision petitioner is the sole means of livelihood of his family. It is also pointed out that the incident took place when he tried to avoid hitting an autorickshaw which came from the opposite direction by over taking another autorickshaw and that the hit was unavoidable.

4. In the circumstances, the sentence imposed for the offence under Section 304(A) IPC is modified to imprisonment till the rising of the court and to pay a compensation of Rs.30,000/- to the legal representatives of the deceased and in default, to undergo simple imprisonment for six months. The sentence imposed for the rest of offences are confirmed. The revision petitioner is granted four months' time to pay the fine amount and the amount of compensation. He shall appear before the Chief Judicial Magistrate Court-Palakkad on 14.3.2008 to receive sentence.

The criminal revision petition is disposed of as above.

K.R.UDAYABHANU,
JUDGE

csl